

The Dutchess County Partnership for Manageable Growth

I. Introduction

The Dutchess County Partnership for Manageable Growth is designed to assist the County and its municipalities implement the recommendations of adopted planning documents including *Directions: The Plan for Dutchess County*, the *Dutchess County Agriculture and Farmland Protection Plan*, *Greenway Connections*, and the *Dutchess County Water and Wastewater Plan*. It enhances the current Open Space and Farmland Protection Matching Grant Program with the addition of a water and wastewater partnership program for the improvement of water and sewer services throughout the County and initiatives to further Greenway Partnerships between the County and its municipalities.

II. Open Space and Farmland Protection

The Open Space and Farmland Protection Matching Grant Program was established as a proposal of the County Executive and adopted in December 1999 (Resolution 990382) to implement the *Dutchess County Agriculture and Farmland Protection Plan* and to protect important agricultural and open space resources. All applications are reviewed upon receipt, pending confirmation of sufficient primary funding which establishes the basis for the partnership and which is required to make the projects viable. Applications submitted to the Dutchess County Planning Board are reviewed in accordance with the Program Guidelines (Attachment A) and Criteria (Attachment B). The program will also be integrated with the County's Capital Budget planning process.

The program for farmland protection will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. Applicants will have secured the remainder from public or private sources that must be identified at the time of application for County funds.

The program for open space protection will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. All municipal open space acquisitions will require municipal funding support. Municipal open space grants may be increased from one third to one half (50%) of the project cost provided that there is at least twenty-five percent (25%) of municipal participation. Municipal applications for open space funds shall require participation in the Greenway Compact by the local government.

Municipal sponsors may include Towns and Villages as well as County entities including the Agriculture and Farmland Protection Board, the Soil and Water

Conservation District, and the Environmental Management Council. Applicants may include land trusts and other not for profit organizations. Public/private collaboration is strongly encouraged.

Funding award contracts with Dutchess County will be based on the specifics of each proposal and the requirements of the primary funding source. An implementation team will include representatives of the Dutchess County Attorney's Office, the Department of Planning and Development, the sponsoring organization or municipality, and others as appropriate. Funding will be awarded after approval by the Legislature and execution of the contract.

Applications will be considered in two annual cycles:

Applications for the first round of open space and/or farmland protection matching grants must be postmarked by January 31st.

Applications for the second round of open space and/or farmland protection matching grants must be postmarked by July 31st.

Applications should include complete copies of all applications submitted for primary funding as well as any additional information requested by Dutchess County. (See Application components.) Please submit one (1) original and ten (10) additional copies of applications for matching funds to:

**DCPMG Open Space and Farmland Protection Program
Dutchess County Planning Board
27 High Street
Poughkeepsie New York 12601**

Attachment A: Program Guidelines

- The Dutchess County Partnership for Manageable Growth for Open Space and Farmland Protection will be dedicated to either fee simple purchase or purchase of the development rights or conservation easements of priority resources in partnership with project sponsors and funding organizations.
- Applications will be reviewed and recommended by the Dutchess County Planning Board. The amount of grant funds recommended shall be determined at the discretion of the Dutchess County Planning Board. The Board's recommendations will be forwarded to the County Executive and County Legislature when an appropriate agreement has been negotiated.
- To insure equitable and cost efficient distribution of County funds, a series of criteria based specifically on Dutchess County conditions and priorities will be applied to each proposal. Selection will be based on the property's

conformance to established criteria (see Attachment B: Criteria for Open Space and Farmland Protection).

- The acquisition of any easements, development rights or other interests in land shall require the approval of the Dutchess County Executive and the Dutchess County Legislature. Dutchess County will serve as Lead Agency under the New York State Environmental Quality Review Act.
- The program for farmland protection will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. Applicants will have secured the remainder from public or private sources that must be identified at the time of application for County funds.
- The program for open space protection will provide a matching portion of fee simple, development rights, or conservation easement purchase price up to fifty percent (50%) of the total project cost. All municipal open space acquisitions will require municipal funding support. Municipal open space projects may be funded up to one third of the total project cost. Municipal open space grants may be increased to fifty (50%) of the project cost provided that there is at least twenty-five percent (25%) of municipal participation.
- Municipal applications for open space funds shall require municipal participation in the Greenway Compact by the local government.
- Municipal sponsors may include Cities, Towns and Villages. Municipalities may partner with other entities, but will be considered the lead applicant.
- County agents such as the Agriculture and Farmland Protection Board, the Soil and Water Conservation District, and the Environmental Management Council and not for profit organizations including land conservancies may sponsor farmland applications in cooperation with landowners.
- Municipal endorsement of farm and open space acquisition proposals is desirable but will not be required.
- Dutchess County's match shall be based on land interest only and shall be based on current appraised value.
- There shall be two application rounds per year. All applications will be reviewed upon receipt by the Planning Board, but no county funds will be committed until funding partners have been identified and additional funding sufficient to complete the proposed acquisition has been confirmed.

- An implementation team will be established for each acquisition recommended by the Dutchess County Planning Board. Team members will include key stakeholder organizations, the County Attorney's Office, the Department of Planning and Development, and other interested parties.

Attachment B					
Criteria for Dutchess County Open Space and Farmland Protection**					
Items to be ranked on a scale from 'A' (highest value) to 'E' (lowest value)	A	B	C	D	E
Local and Regional Support					
Priorities established in municipal Comprehensive Plans					
Inclusion in NYS Open Space Plan					
Inclusion in municipal, county, or regional trail system					
Municipal designation scenic road and/or vistas					
Additional funding source(s) confirmed					
Resource Protection					
Scenic viewshed					
Key gateway area					
Watershed, aquifer protection					
Wildlife habitat					
Historic resource					
Recreational value/public access					
Agricultural Significance					
Soil quality					
Economic viability of farm operation					
Location in or near critical mass of productive farmland					
Potential continuity of farm operation					
Development Pressure					
Importance to rural character of municipality					
Accelerated residential growth					
Commercial expansion on key roadways					
Imminent threat					

III. Municipal Planning Grants

To encourage implementation of smart growth policies based on County Planning documents including the Greenway Compact, Directions, and the Agricultural and Farmland Protection Plan, the Dutchess County Planning Board will consider municipal planning grants to support local initiatives noted below:

Open Space and Farmland Protection Planning

Greenway Compact municipalities may apply to the Dutchess County Planning Board for fifty percent (50%) matching grants, not to exceed a County share of \$10,000, for adoption and implementation of open space and farmland protection strategies consistent with the Greenway Compact. At least fifteen percent (15%) of funding must be provided by the local municipality, in addition to any in-kind services provided. Initiatives may include but are not limited to municipal open space and farmland protection plans, resource protection overlay districts, limited development plans, transfer of development rights, and zoning, master plan, and subdivision regulation revisions that support the protection of resources and the agriculture industry.

Farm Development Plans guide potential development away from active farmland and incorporate residential cluster or conservation design standards for any future subdivision. Dutchess County will provide up to \$3,000 to fund farm development plans and financial analyses, provided that those plans are approved by municipal planning boards and recorded on deeds and official maps.

Development of Generic Environmental Impact Statements

Greenway Compact municipalities may apply to the Dutchess County Planning Board for fifty percent (50%) matching grants, not to exceed a County share of \$10,000, for the development of Generic Environmental Impact Statements to facilitate the approval process for cluster development, resource protection overlay districts, reuse of existing community centers, and/or affordable housing. At least fifteen percent (15%) of funding must be provided by the local municipality in addition to any in-kind services provided.

Proposals must be consistent with Greenway Connections. In the event that municipalities receive reimbursement from developers for the GEIS, the County shall be entitled to receive reimbursement for its share of the pro-rated cost.

IV. Water and Wastewater Facility Planning and Development

In October of 1992, the Dutchess County Water and Wastewater Authority released a report titled the *Dutchess County Water and Wastewater Plan* identifying future water and sewer needs in Dutchess County. The report

outlined the need to fund pre-construction and feasibility studies and to assist communities with loans and grants.

In addition to projects initiated by the Water and Wastewater Authority and to further implement the objectives outlined in the Water and Wastewater Plan, Dutchess County will create a Water and Wastewater Facility Planning and Development Program for the county and local communities. It will be administered by the Dutchess County Water and Wastewater Authority in accordance with Program Guidelines (Attachment C) and Program Funding Criteria (Attachment D). It will also be integrated with the County's Capital Budget planning process.

Attachment C: Program Guidelines

- The Water and Wastewater Facility Planning and Development program will provide funding for pre-construction/feasibility studies as well as funding for community systems in the form of loans and grants.
- Projects receiving construction grants from Dutchess County shall be managed and maintained by Dutchess County through the Dutchess County Water and Wastewater Authority.
- Applications for funding for pre-construction/feasibility studies shall be reviewed for consideration and recommendation by the Dutchess County Water and Wastewater Authority.
- The County will provide up to fifty percent of the cost of pre-construction/feasibility studies and up to twenty-five percent of the cost of construction projects, provided that maximum community, district, and other available financial resources have been fully explored and committed. The County shall receive pro-rated reimbursement for any funded study receiving reimbursement from another funding source. Any funded community and/or district shall include study costs in construction requests where applicable and appropriate.
- To ensure equitable and cost effective distribution of county funds, applications for loans and grants from municipalities shall be reviewed by the Authority. The authority shall evaluate proposals according to the criteria listed in Attachment D. The Authority will forward its recommendations to the County Executive and the Legislature.
- Loans and grants from the Water and Wastewater Facility Planning and Development program shall be used to buy down the capital costs of municipal water and wastewater systems or to purchase future capacity in said system in order to provide service at affordable rates as determined by the State Comptroller. No monies will be provided for system maintenance, operational, and repair requirements.

- Loans and grants shall require the approval of the Dutchess County Executive and the Dutchess County Legislature. Dutchess County shall serve as Lead Agency for coordinated review under the New York State Environmental Quality Review Act (SEQRA) and shall approve said loans and grants.
- In order to be eligible to receive loans and/or grants under the Water and Wastewater Facility Planning and Development Program, municipalities must participate as Greenway Compact communities.

Attachment D					
Criteria for Dutchess County Water and Wastewater Facility Planning & Development*					
*Items to be ranked on a scale from 'A' (highest value) to 'E' (lowest value)	A	B	C	D	E
Local and Regional Support					
Consistent with County service area plan. (Projects can be phased.)					
Consistent with local land use plan.					
Support from local officials; formation of district or assessment zone.					
Intermunicipal cooperation.					
Feasibility					
Readiness to proceed.					
Favorable cost-effectiveness ratios.					
Complementary water supply protection/land use regulations and water conservation plans approaches are provided.					
Project meets future expansion needs (e.g., pipe-sized for expansion)					
Resource Protection					
Promotes energy efficiency.					
Addresses critical environmental/health problems.					
Promotes open space/agricultural preservation					
Promotes natural resource protection					
Municipal Benefits					
Strengthens community center.					
Stimulates economic activity.					
Assists with affordable housing.					

Funding

The amount of funding necessary to implement the objectives of the Dutchess County Partnership for Manageable Growth will be reviewed on an annual basis in relationship to the extent viable potential projects have been identified and established. This review will be incorporated into the annual planning process for both the Capital Budget and the Operating Budget. The program may be funded through the operating budget appropriations and/or through Bond allocations.

V. Application Components

A. Cover Sheet

- Title of Proposed Project
- Category: Open Space or Farmland
- Location of proposed project
- Parcel number(s) and acreage
- Name of land owner
- Sponsoring organization and/or municipality if applicable and contact person
- Address, telephone number, FAX number of applicant(s)
- Total estimated cost of proposed project
- Amount and source(s) of primary funding
- Amount of matching grant requested
- Signature of land owner(s)

B. Project Summary: a brief description of the proposal including:

- Description of property and current use
- Property's local and regional importance as an open space and/or agricultural resource
- Development pressures or imminent threats to resource
- Steps taken to secure requisite private and/or public funding
- Compliance with municipal planning documents including comprehensive plans, open space or resource protection plans, Local Waterfront Revitalization Plans (LWRPs), etc.
- Compliance with County plans including Directions, the Agriculture and Farmland Protection Plan, and the Greenway Compact Program

C. Complete copy of application(s) submitted for primary funding

D. Maps and visual documentation listed below. If included in application submitted for primary funding, indicate location by page number.

- Location map
- Tax parcel map
- Topographic map
- Soils map if farmland
- Photographs including existing structures
- Aerial photographs if available

E. Budget detailing the total estimated cost of completed project including the following items. Please indicate any additional expenses required by primary funding source:

- Land acquisition: estimated cost per acre and total Note: **Appraisals are not required at this time but will be required if matching funds are awarded.** If available, please include summary and identify certified appraiser.
- Survey
- Baseline Mapping and Documentation
- Title Search and Insurance
- Administrative costs including negotiation of contracts
- Stewardship/Monitoring Program costs

F. Documentation of funding awards including amounts, program requirements, and anticipated timetable for receipt of funds.

If applications for primary funding are pending, indicate source(s), amount(s) requested, and projected date of award announcement(s). Include copies of all successful and pending applications for primary funding with this application as well as documentation of confirmed awards.

G. Environmental Assessment Form (EAF), Part One

The Dutchess County Legislature will act as Lead Agency in a coordinated environmental review of each recommended proposal pursuant to SEQRA. An EAF - Part 1 form, to be completed by the applicant, is included in this application packet.

H. Stewardship/Monitoring Plan

Describe plan for monitoring land to insure compliance with terms of conservation easement and plan for the maintenance of acquired public property. Identify the name of the responsible organization or

municipality as well as projected costs and sources of stewardship fund for continuing oversight. (See Maintenance and Monitoring.)

Note: NYS funding awards may be used for monitoring only if costs have been included in the budget submitted with application for primary funding.

I. Letters of Support

VI. Awards

Applicants recommended by the Planning Board to receive matching funds will be assisted by an implementation team that will include representatives from the Dutchess County Attorney's Office, the Department of Planning and Development, and the sponsoring organization or municipality, and others as deemed appropriate.

The Dutchess County Legislature will act as Lead Agency in a coordinated environmental review of successful proposals as required by the New York State Environmental Quality Review Act (SEQRA). The County will be responsible for completing Part 2 (and Part 3 if necessary) of the Environmental Assessment Form for each recommended application.

A project-specific contract defining all project terms and conditions and responsibilities of the applicant and other involved parties will be developed by the County for all proposals awarded matching funds. The final contract agreement will specify information which must be supplied by the grantee in order to access County funding awards, including but not limited to:

- Detailed budget report
- Appraisal by a New York State Certified General Real Estate Appraiser
- Title policy insuring, at a minimum, the County's interest in the property or property rights being acquired
- Approved conservation easement when applicable
- Approved monitoring or stewardship plan designating responsible organization(s)

Upon agreement by the applicant and the County to the provisions of the contract, it will be submitted for approval to the Dutchess County Legislature and to primary funding organization(s) as required.

VII. Maintenance and Monitoring of Acquisitions

The particular terms of each matching grant award will depend on several factors, including the requirements imposed by the primary funding organization. Where appropriate, the County's interest in the grant property may include a third

party enforcement right to insure that the terms of its contract with the applicant will continue to be met and may also include the right to share in the pro rata proceeds of any easement that is extinguished.

Dutchess County does not intend to assume responsibility for either the maintenance of publicly held properties or the monitoring of properties placed under conservation easement. It will be the responsibility of applicants to submit a maintenance and/or monitoring proposal and to **include anticipated costs in the total cost of the proposed acquisition**. In the case of **collaborative efforts** i.e. between land trusts and municipalities, specific responsibilities for oversight will be negotiated during the award implementation process.

In the case of **conservation easements on open space and/or agricultural land**, the County or a municipality may enter into a contract with a land trust to monitor compliance with the terms of the easement. The land trust's annual expenses would be paid from a stewardship endowment established at the time of the closing. Costs will vary according to the size and complexity of properties involved. Interest from the endowment would cover the following activities:

- Annual monitoring--fly-over, site visit, etc.
- Annual compliance report to County
- Discussion of any violations with land owner
- Notifying County of failure to resolve problems cited
- Monitoring change of ownership, meeting with new owner

For example, the budget submitted to the NYS Department of Agriculture and Markets for the Mead Orchard Grant included \$4,000 for monitoring based on the size of the property. Placed into an endowment account, these funds would provide enough income to cover the monitoring land trust's annual costs. In the case of **fee simple acquisition of property by a land trust**, the land trust would assume responsibility for maintenance, monitoring, and liability. In the case of **acquisition by a municipality**, maintenance, monitoring, and liability would be the responsibility of the municipality.

Again, the details of each acquisition will differ. Agreements between the County and applicants will be negotiated individually following award announcements.

Land or PDR Acquisition Categories

DEC Land Acquisition Categories

Unique Character

Freshwater Wetlands

Tidal Wetlands

Pine Barrens

Exceptional Forest Character

Wildlife Habitat

Unique Area

Exceptional Scenic Beauty

Forest Preserve

Coastal Waterfront Protection

Inland Waterfront Protection

Open Space

State Land Access

Stream Rights

Inland Waterway Access

Tidal Waterway Access

Open and Natural Land

Trailways

Greenways/Parklands

Aquifer Recharge Area

Watershed Protection

Working Landscape

OPRHP Land Acquisition Categories

Open Space/Natural Areas

Trailways

Metro Shoreline

Metro Park

Historic Preservation

Waterways

NYS Department of Agriculture and Markets/Environmental Protection Fund Categories

Prime or Important Agricultural Soils

Economically Viable Farm Operation

Proximity to Critical Mass
Historic Resource
Parkland
Additional Categories Specific to Dutchess County
Gateway Conservation Areas
Prime Farmland Areas
<p>Properties Identified in Local Comprehensive or Resource Protection Plans i.e.</p> <ul style="list-style-type: none"> - Open Space - Productive Farmland - Local and Greenway Trails - Aquifers/Watersheds - Scenic Roads/Viewshed